IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.11.2006

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THE HON'BLE MR.JUSTICE P.JYOTHIMANI

WRIT PETITION No.45020 of 2006

N.Muthusamy .... Petitioner

vs

1. The Collector
   Cuddalore District.

2. The Member Secretary cum
   District Educational Officer,
   Valarkalvi Thittam,
   Cuddalore District. .... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus to direct the respondents to appoint the petitioner as Project Co-ordinator and direct the respondents to dispose of the petitioner's representation dated 19.08.2006.

For petitioner : Mr.S.Ilamvaludhi
For respondents : Mr.D.Srinivasan,GA

ORDER

The writ petition is filed for a direction against the respondents to appoint the petitioner as Project Co-ordinator and also to direct the petitioner's representation dated 19.08.2006 to be considered.

2. The case of the petitioner is that he is not a graduate. However, he is eligible for the post of Project Co-ordinator, which is, as on date in existence and on the basis of seniority, he will be the next person to be eligible to be appointed to the said post. However, the apprehension of the petitioner is that the first respondent is likely to appoint a third party on the basis that the petitioner is not a graduate. It has been his consistent case that for the post of Project Co-ordinator, the post which has to be filled up by promotion, the requirement is not graduation. In any event, according to him, as per the seniority, since he stands first, his claim has to be considered before preferring anyone else. In view of the same, the petitioner has made a representation on 19.08.2006.

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3. I have heard the learned counsel for the petitioner as also Mr.D.Srinivasan, learned Government Advocate, who has taken notice on

behalf of the respondents.

4. Considering the fact that the petitioner is stated to be senior and eligible for consideration for the post of Project Co-ordinator, which is in existence as on date, I am of the considered view that the first respondent must be directed to consider the representation of the petitioner dated 19.08.2006 before making appointment to the said post from third parties.

5. In view of the same, the first respondent is directed to consider the representation of the petitioner dated 19.08.2006 regarding the claim of the petitioner for appointment to the post of Project Co-ordinator by way of promotion and shall pass orders in accordance with law within a period of four weeks form the date of receipt of a copy of this order, making it clear till the first respondent passes such order, considering the claim of the petitioner within the stipulated time, he shall not proceed to appoint any third party.

6. The writ petition is disposed of on the above terms. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Collector
   Cuddalore District.

2. The Member Secretary cum
   District Educational Officer,
   Valarkalvi Thittam,
   Cuddalore District.

+1cc to Government Pleader Sr 57037
+1cc to Mr.S.Ilamvaludhi, Advocate Sr 56787

AKM (CO)
km/24.11.

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